IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 848 of 2007(A)

PETITIONER:

RAJENDRAN, S/O. SREEDHARAN,
KONNATHU HOUSE, KALEECKAL,
KUDAVOOR P.O., VENGODE, TRIVANDRUM.

BY ADV. SRI.THOMAS ABRAHAM
SRI.K.B.ARUNKUMAR
SRI.DIPU.R
SMT.JANCY MATHEW

RESPONDENTS:

1.MUNDACKAL GRAMA PANCHAYATH,
ELAMBA P.O., AVANAVANCHERRY,
TRIVANDRUM DISTRICT, REPRESENTED BY
IT'S SECRETARY.

2.KERALA STATE POLLUTION CONTROL BOARD,
PLAMOODU, PATTOM PALACE P.O., TRIVANDRUM,
REPRESENTED BY IT'S MEMBER SECRETARY.

3.THE DISTRICT COLLECTOR,
TRIVANDRUM DISTRICT, TRIVANDRUM.

R1 BY ADV. SRI.AYYAPPAN SANKAR
SRI.MUHAMMED MUHAZIN
R2 BY ADV.MR.M.K.CHANDRAMOHAN DAS, S.C.
R3 BY GOVT. PLEADER SMT.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

- -

W.P.(C)No.848 of 2007

- -

Dated: 8th February, 2007

JUDGMENT

Mr.Thomas Abraham, counsel for the petitioner submits that on 17.1.2007 the petitioner was actually served with an order by the Panchayat cancelling the licence. Counsel for the Panchayat takes exception to the above submission. According to the counsel, the order was passed on 3.1.2007 and was served on the petitioner on the same day itself.

2. Obviously, the order cancelling the licence is subject to appeal.

3. Mr.Blaze K.Jose who appears for the 4th respondent in W.P.C.No.36418/05 submits that this court may not direct continuance of the interim order which is passed on 8.1.2007. According to Mr.Blaze, that interim order is misinterpreted and the writ petitioner is violating Exts.P1 and P5 in W.P.C.No.36418/05.

4. Since it is conceded that the order cancelling the licence is appealable, I dispose of the Writ Petition relegating the petitioner to his remedy by way of appeal. The interim order dated 8.1.2007 will continue for a period of one more month. However, it is clarified that the interim order will not enable the petitioner to embark upon any activity other than what was permitted under the licence which was

presently cancelled. I make it clear that I have not expressed any opinion on the merits of the matter and that all questions are left open to be decided by the appellate authority.

srd **PIUS C.KURIAKOSE, JUDGE**